

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Telephone Number Portability)	CC Docket No. 95-116
)	
Petition for Reconsideration of Upper Peninsula)	
Telephone Company for Extension of Time to)	
Implement Local Number Portability)	

ORDER

Adopted: March 9, 2007**Released: March 9, 2007**

By the Acting Chief, Competition Policy Division, Wireline Competition Bureau:

1. In this Order, we address a Petition for Reconsideration of an order that dismissed Upper Peninsula Telephone Company's (UPTC's) request for an extension of time to implement local number portability (LNP) in eighteen of the nineteen rural telephone exchanges in its network.¹ Specifically, we dismiss the Petition for Reconsideration as improperly filed and untimely.

2. On April 16, 2004, the Wireline Competition Bureau (Bureau) received a petition from UPTC requesting an extension of time for LNP implementation.² On May 24, 2004, the Bureau released an Order dismissing UPTC's request for an extension of time to implement LNP because the request was not filed 60 days before the implementation deadline as required by section 52.23(e) of the Commission's rules.³ In response to the *Dismissal Order*, UPTC filed a Petition for Reconsideration on June 22, 2004, asking the Bureau to consider the merits of the request.⁴ UPTC, however, improperly filed the Petition for Reconsideration with the Bureau instead of with the Secretary's office. Section 1.106(i) of the Commission's rules requires petitions for reconsideration to be filed with the Secretary.⁵ A petition must be properly filed and timely before the Commission will consider the petitioner's request for reconsideration.⁶

3. We further note that section 405 of the Communications Act of 1934, as amended, and section 1.106(f) of the Commission's rules require petitions for reconsideration to be filed within 30 days

¹ Upper Peninsula Telephone Company, Petition for Reconsideration (July 26, 2004) (Petition for Reconsideration).

² Upper Peninsula Telephone Company, Petition for Extension of Time (dated April 16, 2004).

³ See *Request for Review by Upper Peninsula Telephone Company*, CC Docket No. 95-116, Order, 19 FCC Rcd 9301 (Wireline Comp. Bur. 2004) (*Dismissal Order*); see also 47 C.F.R. § 52.23(e).

⁴ See Petition for Reconsideration at 1.

⁵ See 47 C.F.R. § 1.106(i).

⁶ See, e.g., *Arc Electronics, Inc.*, CC Docket No. 03-117, Order on Reconsideration, 18 FCC Rcd 11000 (2003).

of public notice of an order.⁷ The deadline for UPTC to file a Petition for Reconsideration was June 23, 2004. UPTC did not file the Petition for Reconsideration in the Secretary's office within 30 days after public notice of the *Dismissal Order*.⁸

4. Furthermore, in its Petition for Reconsideration, UPTC makes a new request for an extension of time to implement LNP in its Amble, Michigan switch based on a *bona fide* request (BFR) from T-Mobile.⁹ Through its Petition for Reconsideration, UPTC improperly attempts to amend, retroactively, the proposed switch replacement and LNP deployment schedule in its initial petition dated April 16, 2004, to include its Amble, Michigan exchange.¹⁰ Because the Amble exchange is beyond the scope of the *Dismissal Order*, we may not consider it on reconsideration.

5. ACCORDINGLY, IT IS ORDERED that, pursuant to sections 1, 4(i) and 251 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 251, and sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, the Petition for Reconsideration filed by Upper Peninsula Telephone Company IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

Christi Shewman
Acting Chief, Competition Policy Division
Wireline Competition Bureau

⁷ See 47 U.S.C. § 405; 47 C.F.R. § 1.106(f).

⁸ Documents are considered to be filed with the Commission upon their receipt at the location designated by the Commission. See 47 C.F.R. § 1.7. The Commission has designated that Petitions for Reconsideration must be filed with the Secretary of the Commission. See 47 C.F.R. § 1.106(i). Based on the record, it appears that the Bureau forwarded the petition to the Secretary as a courtesy, but it was never properly filed by UPTC with the Secretary.

⁹ See Petition for Reconsideration at 5.

¹⁰ See *id.*